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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,877	09/29/2003	Elmar Dörner	13909-097001 / 2002P10199	6017
32864 7590 07/19/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,877

Applicant(s)

ELMAR DORNER

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 05/17/2007. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1-40 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US PAT # 6,532,218) in view of Miller et al. (US PAT # 6,907,011).

Regarding claims 1, 13-14, 16, 23 and 32, Shaffer teaches a method of conducting a conference (see col. 1, lines 5-9 and abstract) comprising: subscribing to a conference data stream (this reads on participants who are registered in a video conferencing system, see col. 2, lines 59-62); publishing conference data messages (this reads on publishing the presentations to the participants, see col. 3, lines 8-12); receiving messages including the conference data stream (this reads on the participants questions, see col. 3, lines 12-16 and col. 5, lines 22-29); and presenting the messages to a user (this reads on answering participants requests).

Shaffer does not specifically teach the use of a content-based messaging (CBM) network.

However, Miller teaches the use of a content-based messaging network, which allows the passage of data and messages (see col. 4, lines 56-67).

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using CBM, as taught by Miller, into the Shaffer system in order to enhance the system and save the resources by providing only one network that handles conferencing, disturbs messages to participants and monitor all participants status and activities. Advantages are well known the art, such as providing smooth and efficient conference to all participants.

Regarding claims 2 and 25, Shaffer teaches presenting the messages to the user includes presenting video data to the user (see col. 3, lines 30-47).

Regarding claims 3 and 28, Shaffer teaches presenting the messages to the user includes presenting audio data to the user (see col. 3, lines 28-35).

Regarding claims 4, 15, 27 and 33, Shaffer teaches presenting the messages to the user includes presenting audio and video data to the user (see col. 3, lines 28-35).

Regarding claims 5, 17 and 34, Shaffer teaches presenting the messages to the user further comprises assembling the received messages into streaming video data and presenting the streaming video data to the user (see col. 3, lines 8-30).

Regarding claims 6, 18 and 35, Shaffer teaches presenting the messages to the user further comprises assembling the received messages into streaming audio data and presenting the streaming audio data to the user (see col. 3, lines 8-30).

Regarding claims 7, 19, 26, 29 and 36, Shaffer teaches presenting messages to the user further comprises assembling the received messages into streaming audio and video data and presenting the streaming audio and video data to the user (see col. 3, lines 28-35).

Claims 8, 20, 30 and 37 recite “presenting the messages to the user further comprises converting received messages from a real time transport protocol to a format required by the Java Media Framework (JMF) to present streaming audio and/or video data to the user”. Although, Shaffer teaches the use of a protocol that convert the received messages into a audio and video data that are presented to user (col. 3, lines 23-35). However, Shaffer does not specifically teach converting received messages from a real time transport protocol to a format required by the Java Media Framework (JMF). This limitation is obvious and is basically a design choice. Obviously, one of ordinary skill in the art can use any desired frame network programming language protocol to support and convert the received messages into comprehensive video and audio streams that are presented to users.

Claims 9, 31, 38 and 40 recite “initiating a conference by inviting a participant connected to the CBM network to join the conference”. The claimed limitation of “inviting participant...” is inherent in the Shaffer system.

Regarding claims 10-12, 21, 39, initiating a conference by inviting one or more participants connected to the CBM network to join the conference and subscribing to a conference data stream of a content based messaging CBM network associated with each participant.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a stylized flourish at the end.

RASHA S. AL-AUBAIDI
PATENT EXAMINER

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07/05/2007